

Steve W. Berman (*pro hac vice*)
Emilee N. Sisco (*pro hac vice*)
Stephanie Verdoia (*pro hac vice*)
Meredith Simons (SBN 320229)
HAGENS BERMAN SOBOL SHAPIRO LLP
1301 Second Avenue, Suite 2000
Seattle, WA 98101
Telephone: (206) 623-7292
Facsimile: (206) 623-0594
steve@hbsslaw.com
emilees@hbsslaw.com
stephaniev@hbsslaw.com
merediths@hbsslaw.com

Benjamin J. Siegel (SBN 256260)
HAGENS BERMAN SOBOL SHAPIRO LLP
715 Hearst Avenue, Suite 300
Berkeley, CA 94710
Telephone: (510) 725-3000
Facsimile: (510) 725-3001
bens@hbsslaw.com

Class Counsel for Plaintiffs

Jeffrey L. Kessler (*pro hac vice*)
David G. Feher (*pro hac vice*)
David L. Greenspan (*pro hac vice*)
Adam I. Dale (*pro hac vice*)
Sarah L. Viebrock (*pro hac vice*)
Neha Vyas (*pro hac vice*)
WINSTON & STRAWN LLP
200 Park Avenue
New York, NY 10166-4193
Telephone: (212) 294-4698
Facsimile: (212) 294-4700
jkessler@winston.com
dfeher@winston.com
dgreenspan@winston.com
aidale@winston.com
sviebrock@winston.com
nvyas@winston.com

Jeanifer E. Parsigian (SBN 289001)
Drew H. Washington (SBN 350107)
WINSTON & STRAWN LLP
101 California Street, 34th Floor
San Francisco, CA 94111-5840
Telephone: (415) 591-1000
Facsimile: (415) 591-1400
jparsigian@winston.com
dwashington@winston.com

Class Counsel for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE COLLEGE ATHLETE NIL
LITIGATION

Case No. 4:20-cv-03919 CW

**DECLARATION OF STEVE W. BERMAN IN
SUPPORT OF PLAINTIFFS'
ADMINISTRATIVE MOTION TO
SHORTEN TIME PURSUANT TO CIVIL
LOCAL RULE 6-3 FOR THE HEARING OF
PLAINTIFFS' UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Hon. Claudia Wilken

1 I, STEVE W. BERMAN, declare as follows:

2 1. I am an attorney duly licensed to practice law before this Court. I am a member of the
3 Washington Bar, and I have been admitted to this Court *pro hac vice*. I am the managing partner of
4 Hagens Berman Sobol Shapiro LLP (“Hagens Berman”) and counsel for Plaintiffs Grant House,
5 Sedona Prince, and Tymir Oliver (“Plaintiffs”) in this matter.

6 2. I submit this declaration in support of Plaintiffs’ Unopposed Administrative Motion to
7 Shorten Time Pursuant to Civil Local Rule 6-3 for the Hearing of Plaintiffs’ Unopposed Motion for
8 Preliminary Approval of Class Action Settlement.

9 3. Plaintiffs request a modification of time to assist the parties in the time-consuming
10 process of identifying contact information for potential class members. The proposed notice program
11 contemplates direct notice to approximately 250,000 class members. Under the proposed form of
12 notice, each of these potentially affected class members must obtain accurate contact information,
13 including email and mailing addresses, for each class member to provide adequate notice of the
14 proposed settlement.

15 4. Plaintiffs’ counsel represented the plaintiffs in *In re National Collegiate Athletic*
16 *Association Athletic Grant-in-Aid Cap Antitrust Litigation*, where similar student-athlete contact
17 information was sought. Plaintiffs’ counsel’s experience is that this process requires coordination
18 with hundreds of member schools. Defendants and Plaintiffs have begun this process already by
19 contacting the schools and preparing instructions and templates to facilitate efficient production of
20 class members contact information.

21 5. Defendants have informed Plaintiffs that they have conferred with member
22 institutions that, citing the Family Educational Rights and Privacy Act (“FERPA”) statute, will not
23 notify class members that their contact information will be disclosed until after the Court grants
24 preliminary approval, and then will not disclose contact information until after students are notified.
25 This could result in a delay of many weeks before Plaintiffs would receive any contact information
26 and will likely delay the start of the proposed notice program if the preliminary approval hearing is
27 not held until the currently scheduled date of September 5, 2024.

6. Plaintiffs met and conferred with Defendants regarding their Motion to Shorten Time on Friday July 26, and Monday July 29, 2024. Defendants do not oppose the motion.

7. Plaintiffs and Defendants conferred about dates before September 5, 2024, and determined that all parties were available from August 12–14, 2024, and August 19–22, 2024.

8. The Parties have not filed a Stipulated Request for an Order Changing Time to a certain date so that the Court can choose the earliest date that is convenient for the Court from among the dates that both parties are available.

9. This request to shorten time would have the effect of advancing the hearing on Plaintiffs' motion for preliminary approval of the settlement agreement, which may allow the process of collecting class member contact information to begin earlier than it otherwise would. All other dates associated with the settlement approval process are unaffected and no other time modifications have been sought related to the settlement approval process.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 30th day of July 2024 at Seattle, Washington.

/s/ Steve W. Berman
STEVE W. BERMAN